

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LINDA HAGERL,

Plaintiff,

v.

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

Case No. 05-72910

Hon. Gerald E. Rosen

Magistrate Judge Wallace Capel, Jr.

**ORDER ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on September 28, 2006

PRESENT: Honorable Gerald E. Rosen
United States District Judge

On July 26, 2006, Magistrate Judge Wallace Capel, Jr. issued a Report and Recommendation ("R & R") recommending that the Court grant Plaintiff Linda Hagerl's motion for remand and deny the Defendant Commissioner of Social Security's motion for summary judgment. No objections have been filed to the R & R. Upon reviewing the R & R, the parties' motions, and the record as a whole, the Court concurs in the Magistrate Judge's recommended disposition of this case and agrees that this case should be remanded to the Commissioner, for a reassessment of the record as a whole and of Plaintiff's credibility in particular.

Accordingly,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's July 26, 2006 Report and Recommendation is ADOPTED as the opinion of this Court. IT IS FURTHER ORDERED that, for the reasons stated in the R & R, Plaintiff's motion for remand is GRANTED and Defendant's motion for summary judgment is DENIED.

s/Gerald E. Rosen
Gerald E. Rosen
United States District Judge

Dated: September 28, 2006

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 28, 2006, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager